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UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. no. 10/064,745

Attorney docket no. MLCO.P002

Conf. no. 6610

Filed: August 12, 2002

Petition under 37 CFR section 1.47 relating to inventor Jones

The undersigned hereby petitions under 37 CFR section 1.47 relating to inventor Jones.

The above-referenced application names several inventors. Enclosed with these papers are Inventors' Declarations signed by most of the inventors.

The enclosed Form PTO-2038 includes the amount of \$130, thus paying the petition fee under 37 CFR section 1.17(h). Any deficiency in fees may be charged to our deposit account 15-0610.

Also enclosed please find a **Declaration relating to Emerson P. Jones**. The Declaration is signed by Patrick Romain, First Vice President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc. ("Merrill Lynch"). It is noted that most of the inventors have assigned their interest in the above-referenced patent application to Merrill Lynch.

The enclosed **Declaration relating to Emerson P. Jones** indicates that Mr. Jones refuses to sign an inventor's Declaration relating to the above-referenced patent application. It indicates the pertinent facts, including that a complete set of the application papers was provided to Mr. Jones, including the patent specification, claims, and drawings, and including an inventor's Declaration. It also indicates the last known address of Mr. Jones.

It is requested that the Petition be granted and that the application be forwarded to the Examiner for Examination. It is further earnestly requested that this Petition be taken up expeditiously because this application has a corresponding PCT application number PCT/US02/25668 for which the United States Patent Office is the International Searching Authority. If this Petition can be promptly granted, the Examiner will be better able to consider this application and the PCT application at the same time. On the other hand, if there were undue delay in taking up and granting this Petition, such delay would greatly work to the disadvantage of the Examiner handling the applications, forcing the Examiner to duplicate efforts at a later time.

Respectfully submitted,

Carl Oppedahl
Oppedahl & Larson LLP
P O Box 5068
Dillon, CO 80435
telephone 970 468 6600



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Petition under 37 CFR section 1.47 relating to inventor Kerstein

The undersigned hereby petitions under 37 CFR section 1.47 relating to inventor Kerstein.

The above-referenced application names several inventors. Enclosed with these papers are Inventors' Declarations signed by most of the inventors.

The enclosed Form PTO-2038 includes the amount of \$130, thus paying the petition fee under 37 CFR section 1.17(h). Any deficiency in fees may be charged to our deposit account 15-0610.

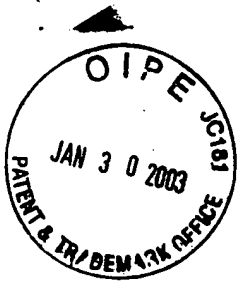
Also enclosed please find a **Declaration relating to Daniel Y. Kerstein**. The Declaration is signed by Patrick Romain, First Vice President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc. ("Merrill Lynch"). It is noted that most of the inventors have assigned their interest in the above-referenced patent application to Merrill Lynch.

The enclosed **Declaration relating to Daniel Y. Kerstein** indicates that Mr. Kerstein refuses to sign an inventor's Declaration relating to the above-referenced patent application. It indicates the pertinent facts, including that a complete set of the application papers was provided to Mr. Kerstein, including the patent specification, claims, and drawings, and including an inventor's Declaration. It also indicates the last known address of Mr. Kerstein.

It is requested that the Petition be granted and that the application be forwarded to the Examiner for Examination. It is further earnestly requested that this Petition be taken up expeditiously because this application has a corresponding PCT application number PCT/US02/25668 for which the United States Patent Office is the International Searching Authority. If this Petition can be promptly granted, the Examiner will be better able to consider this application and the PCT application at the same time. On the other hand, if there were undue delay in taking up and granting this Petition, such delay would greatly work to the disadvantage of the Examiner handling the applications, forcing the Examiner to duplicate efforts at a later time.

Respectfully submitted,

Carl Oppedahl
Oppedahl & Larson LLP
P O Box 5068
Dillon, CO 80435
telephone 970 468 6600



#7

UNITED STATES PATENT AND TRADEMARK OFFICE

Application #10/064,744 - filed on August 12, 2002
Application #10/064,746 - filed on August 12, 2002
Application #10/217,875 - filed on August 12, 2002
Application #PCT/US02/25667 - filed on August 12, 2002 - designating the United States
Application #PCT/US02/25697 - filed on August 12, 2002 - designating the United States
✓ Application #10/064,745 - filed on August 12, 2002
Application #10/218,124 - filed on August 12, 2002
Application #PCT/US02/25668 - filed on August 12, 2002 - designating the United States
Application #PCT/US02/25923 - filed on August 12, 2002 - designating the United States

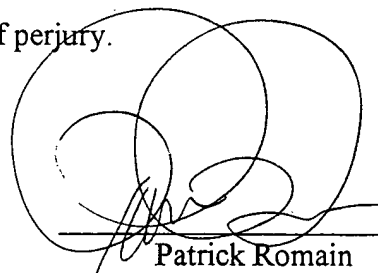
Declaration relating to Emerson P. Jones

I, Patrick Romain, declare as follows: I am First Vice President, Senior Counsel, Corporate Law in the Office of General Counsel of Merrill Lynch & Co., Inc.

I have personal knowledge of the following facts:

- a. Mr. Emerson P. Jones left the employ of Merrill Lynch on about February 6, 2002. I know that he is now employed by Goldman Sachs & Co.
- b. On about January 10, 2003 I presented Mr. Jones with a full set of the application papers, namely the specification, claims, and drawings, as well as an inventor's Declaration for signature, for each of the application numbers listed above. I did this by hand delivery to him at his last known address which is Goldman Sachs & Co., One New York Plaza, 49th Floor, New York, NY 10004. The reason why I know these papers were delivered is a tracking notification from the delivery company, a copy of which is attached. Also attached is a copy of a cover letter dated January 10, 2003 which was enclosed with these papers.
- c. Mr. Jones has not responded to my January 10, 2003 letter, and I construe this as a refusal to sign.

I make these statements under penalty of perjury.



Patrick Romain

1/27/2003
date

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FEB 05 2003

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Merrill Lynch

Patrick Romain
First Vice President
Senior Counsel
Corporate Law

Office of General Counsel

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17th Floor
New York, New York 10038
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promain@exchange.ml.com

January 22, 2003

BY MESSENGER

Charles Wertman, Esq.
Bienefeld & Wertman
26 Broadway, 21st Floor
New York, NY 10004

Re: Daniel Kerstein

Dear Mr. Wertman:

Further to my letter to you of January 7, 2003, I am enclosing a second set of replacement documents for Mr. Kerstein's execution as well as a full set of the related applications. I look forward to receiving executed originals as soon as possible. Please feel free to call me with any further questions.

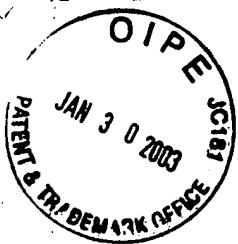
Very truly yours,

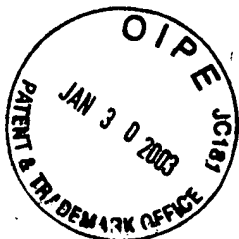
Enclosures

cc: Jill Gaffney



- PCT/US02/25697 combined declaration and power of attorney
- 10/064,745 combined declaration and power of attorney *
- MLCOP002-US-F-WO assignment
- 10/218,124 combined declaration and power of attorney *
- PCT/US02/25668 PCT power of attorney
- PCT/US02/25923 PCT power of attorney
- PCT/US02/25668 combined declaration and power of attorney *
- PCT/US02/25923 combined declaration and power of attorney *
- Kaplan
 - 10/064,744 combined declaration and power of attorney
 - MLCOP001-A-F-WO Assignment
 - 10/064,746 combined declaration and power of attorney
 - 10/217,875 combined declaration and power of attorney
 - PCT/US02/25667 PCT power of attorney
 - PCT/US02/25697 PCT power of attorney
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- Kerstein
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 - 10/217,875 combined declaration and power of attorney
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 - PCT/US02/25923 combined declaration and power of attorney *
- Luciano
 - 10/064,744 combined declaration and power of attorney
 - MLCOP001-A-F-WO Assignment

[illegible]



Patrick Romain
First Vice President
Senior Counsel
Corporate Law

Office of General Counsel

222 Broadway
17th Floor
New York, New York 10038
212 670 0197
FAX 212 670 4516
promain@exchange.ml.com

January 10, 2003

BY HAND DELIVERY

Emerson P. Jones
Goldman Sachs & Co.
One New York Plaza
49th Floor
New York, NY 10004

Re: **PHONES. CoPa and CoCo Patent Applications**

Dear Phil:

As you may recall, three patent applications were filed for Merrill Lynch proprietary products on which you were a named inventor. As you know, while you were an employee of Merrill Lynch, you agreed that any intellectual property conceived, developed or otherwise performed within the scope of your employment related to the financial services industry or Merrill Lynch products, services or supporting activities is the property of Merrill Lynch. Further, you agreed that you would do whatever necessary to transfer to Merrill Lynch, or to document its ownership of, any such property. I am therefore forwarding documents, as listed in Exhibit 1 of this letter, for your execution for completion and assignment of the three referenced patent applications. Copies of the relevant application documents are included for your files. Please sign where indicated, have the signatures notarized when necessary, and return the executed documents to me at the address listed above.

Please feel free to contact me if you have any questions.

Yours very truly,

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FEB 05 2003

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Enclosures (as listed in attached Exhibit 1)



Exhibit 1

- Application CoCo U.S./PCT prepared by F&N
- Application CoCo U.S./PCT prepared by O&L
 - 10/064,744 combined declaration and power of attorney
 - PCT/US02/25667 combined declaration and power of attorney
 - 10/064,746 combined declaration and power of attorney
 - 10/217,875 combined declaration and power of attorney
 - PCT/US02/25667 PCT power of attorney
 - PCT/US02/25697 PCT power of attorney
 - PCT/US02/25697 combined declaration and power of attorney
 - MLCOP001-A-F-WO Assignment
- Application CoCo U.S./PCT Prepared by F&N
- Application CoCo U.S./PCT Prepared by O&L
 - 10/064,745 combined declaration and power of attorney
 - 10/218,124 combined declaration and power of attorney
 - PCT/US02/25668 PCT power of attorney
 - PCT/US02/25668 combined declaration and power of attorney
 - PCT/US02/25923 PCT power of attorney
 - PCT/US02/25923 combined declaration and power of attorney
 - MLCOP002-US-F-WO assignment
- Application PHONES
 - 09/521,261 Assignment

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FEB 05 2003

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CoCo PCT application - F (prepared by F&N) 89 pages, 309 claims	PCT/US02/25697	MLCO.P001WOF	PDF specification, claims, and drawings with serial number cover page application as filed: specification and figures	covered by above assignment. Need to get powers of attorney signed. Need to get Inventors' Declarations signed. International Search Report should be established by December 9, 2002. Publication should happen on February 13, 2003. Most PCT Powers of Attorney have been signed and filed.
CoPa US application (prepared by O&L) 43 pages, 95 claims	10/064,745	MLCO.P002	PDF specification, claims, and drawings with serial number cover page application as filed acknowledgment receipt application data sheet fee transmittal Inventor list	Notice of Missing Parts was mailed August 21, 2002, requiring response by October 21, 2002, extendable to February 21, 2003. O&L to prepare information disclosure statement. Need to get Inventors' Declaration * and Assignment signed. Some assignments have been recorded.
			PDF specification, claims, and	Assignment is covered by above assignment. Need to get Inventors' Declaration

CoPa US application - F (prepared by F&N) 615 pages, 3111 claims	10/218,124	MLCO.P002-F	<u>drawings with serial number cover page application as filed: specification and table insert and figures</u>	*signed. Notice of missing parts mailed September 16, 2002, requiring response by December 16, 2003, extendable to March 16, 2003.
CoPa PCT application (prepared by O&L) 43 pages, 95 claims	PCT/US02/25668	MLCO.P002WO	<u>PDF specification, claims, and drawings with serial number cover page request specification as filed figures as filed</u>	Need to get Powers of Attorney signed. Need to get Inventors' Declaration * signed. This assignment is covered by the above assignment. Invitation to Correct Defects was mailed September 4, 2002, thus the Powers of Attorney are due by October 4, 2002, a date which is not extendable. International Search Report should be established by December 4, 2002. Publication should happen on February 13, 2003. Most PCT Powers of Attorney have been signed and filed.
				Assignment is covered by above assignment.



SENDER INFORMATION

SENDER INFORMATION				DELIVERY INFORMATION			
<input type="checkbox"/> INCOMING <input type="checkbox"/> INTER-OFFICE <input type="checkbox"/> OUT-OF-AREA <input type="checkbox"/> NORTH TOWER (250 VESLEY ST) <input type="checkbox"/> 101 HUDSON (JERSEY CITY) <input type="checkbox"/> SOUTH TOWER (225 LIBERTY ST) <input type="checkbox"/> WEST STREET <input type="checkbox"/> 222 BROADWAY				<input type="checkbox"/> NORTH TOWER (250 VESLEY ST) <input type="checkbox"/> 101 HUDSON (JERSEY CITY) <input type="checkbox"/> SOUTH TOWER (225 LIBERTY ST) PHONE: _____ EXT: _____			
NAME: _____				RECEIVED BY (PLEASE PRINT): _____ SIGNATURE: <i>[Signature]</i> DATE: 1/22/03			
DEPT: _____				ADDRESS: _____ CITY/STATE/ZIP: _____ ATTN: _____ TEL: _____ FAX: _____			
FLOOR: _____				BASE: _____ UNIT: _____ EXT: _____			
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